IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2269 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE TECHNICAL EDUCATION - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS SEJAL K MANDAVIA for Petitioner(s) : 1,
Mr. Dipen Desai, AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 17/01/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner, Gujarat State Technical Education Administrative Staff Association, has prayed for an appropriate writ, order or direction directing the respondents to revise pay-scale of the members of

the petitioner association working under the Gujarat State Technical Department in different offices in the cadre of Senior Clerk, Head Clerk, Office Superintendent, Registrar etc., so as to see that they get similar pay-scale which is given to the Deputy Mamlatdar, Mamlatdar, Deputy Collector, Collector in Revenue Department and to the Assistant, Section Officer, Under Secretary in the Sachivalaya Department with effect from 1.1.1986. An affidavit-in-reply is filed on behalf of the respondents affirmed by one Girish B. Modha, Deputy Director, Directorate of Technical Education, Gandhinagar, dated 29th November 2006 and it has been pointed out in Para 9 that with a view to settle the discrepancies amongst staff members in different departments, Government of Gujarat has constituted a Pay Anomaly Committee by Finance Department Resolution No. PGR-1098-34-M dated 20th May 1998 to examine the representations of pay anomalies and allied matters. It is further submitted that

apropros the representations submitted to the said Committee by the petitioner association, hearing was given to the association and the report of the said Committee is still pending. Thus, it appears that dispute is now pending before the Pay Anomaly Committee since 1998, however it is unfortunate that even after the period of 8 years no final decision has been taken by the Committee on the representations filed by the association.

2. Under the circumstances, State Government is directed to take appropriate decision on the representations made by the petitioner association with regard to pay anomalies inclusive of the decision to be taken by the Pay Anomaly Committee and the entire exercise to be completed and appropriate decision to be taken by the State Government on the basis of the Report that may be submitted by the Pay Anomaly Committee should be preferably within the period

of 6 months from the date of receipt of this order and the outcome of such decision be communicated to the petitioner association immediately.

3. With these, without expressing any opinion on merits, the present Special Civil Application is disposed of. If the decision goes adverse, it will be open for the petitioner association to challenge the same which could be dealt with in accordance with law and on merits. For completing the aforesaid exercise, the State Government may approach the Pay Anomaly Committee by drawing its attention of the order passed by this Court so that the Pay Anomaly Committee may decide the representation immediately and as early as possible so that appropriate decision can be taken by the State Government as stated above within the time bound schedule.

Rmr. [M.R. Shah, J.]